

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

In re EpiPen ERISA Litigation

(This Document Applies To All Cases)

Case No. 0:17-1884-PAM-HB

**INDEX OF DOCUMENTS FILED IN SUPPORT OF DEFENDANTS'
OPPOSITION TO PLAINTIFFS' MOTION FOR CLASS CERTIFICATION**

<u>Ex. No.</u>	<u>Description</u>	<u>Public</u>	<u>Sealed</u>
DX1	This document was produced by non-party U.S. Bancorp in this litigation and is bates stamped USB 00001021.	X	
DX2	This document was produced by United HealthCare Services, Inc. in this litigation and is bates stamped EPI-0000215.		X
DX3	This document was produced by the United HealthCare Services, Inc. in this litigation and is bates stamped UNITED-EPI 00177699.		X
DX4	This document was produced by non-party U.S. Bancorp in this litigation and is bates stamped USB 00001165.	X	
DX5	This document was produced by the United HealthCare Services, Inc. in this litigation and is bates stamped UNITED-EPI 00180111.		X
DX6	This document was produced by Delta Air Lines, Inc. in this litigation and is bates stamped DELTA-EPI 00000001.		X
DX7	This document contains excerpts from the transcript of the deposition of Adam Klein in his capacity as corporate representative for Blue Sea Capital, taken December 17, 2019.		X
DX8	This document was produced by OptumRx, Inc. in this litigation and is bates stamped OPTUMRX-EPI 00727708.		X

<u>Ex. No.</u>	<u>Description</u>	<u>Public</u>	<u>Sealed</u>
DX9	This document was produced by CVS in this litigation and is bates stamped CM-000249170.		X
DX10	This document was produced by Express Scripts in this litigation and is bates stamped ES 000328740.		X
DX11	This document was produced by Prime in this litigation and is bates stamped Prime 0491321.		X
DX12	This document was produced by OptumRx, Inc. in this litigation and is bates stamped OPTUMRX-EPI 00731836.		X
DX13	This document was produced by CVS in this litigation and is bates stamped CM-000244031.		X
DX14	This document was produced by Express Scripts in this litigation and is bates stamped ES 000242105.		X
DX15	This document was produced by Prime in this litigation and is bates stamped Prime 0042994.		X
DX16	This document is a copy of United HealthCare Services, Inc.'s Amended Responses to Interrogatory 5, served on December 13, 2019		X
DX17	This document was produced by United HealthCare Services, Inc. in this litigation and is bates stamped UNITED-EPI 00289623.		X
DX18	This document was produced by United HealthCare Services, Inc. in this litigation and is bates stamped UNITED-EPI 00179623.		X
DX19	This document was produced by OptumRx, Inc. in this litigation and is bates stamped EPI-0000344.		X

<u>Ex. No.</u>	<u>Description</u>	<u>Public</u>	<u>Sealed</u>
DX20	A compilation exhibit that includes cover pages for various contracts with the following bates numbers: CM-000246928, CM-000247473, CM-000247878, CM-000249169, CM-000249585, CM-000249650, CM-000249820, CM-000249933, CM-000249967, CM-000250119, CM-000250159, CM-000250181, CM-000250196.		X
DX21	A compilation exhibit that includes cover pages for contracts between U.S. Bancorp and Express Scripts with the following bates numbers: ES_000328740, ES_000328681, ES_000328578, ES_000328604, ES_000328569, ES_000328575, ES_000328573, ES_000328598, ES_000328560, ES_000328595, ES_000328721, ES_000328715, ES_000328571, ES_000328580, ES_000328652, ES_000328563, ES_000328620, ES_000328559, ES_000329287, ES_000328959, ES_000328786, ES_000328610, ES_000328630.		X
DX22	This document was produced by Prime in this litigation and is bates stamped Prime0042686.		X
DX23	This document was produced by Prime in this litigation and is bates stamped Prime0578187.		X
DX24	This document was produced by Prime in this litigation and is bates stamped Prime 0051226.		X
DX25	This document was produced by Prime in this litigation and is bates stamped Prime 0494302.		X
DX26	This document was produced by Prime in this litigation and is bates stamped Prime 0044276.		X

Ex. No.	Description	Public	Sealed
DX27	This document was produced by OptumRx, Inc. in this litigation and is bates stamped OPTUMRX-EPI 00732596.		X
DX28	This document was produced by OptumRx, Inc. in this litigation and is bates stamped OPTUMRX-EPI 00732270.		X
DX29	This document was produced by CVS in this litigation and is bates stamped CM-000250134.		X
DX30	This document was produced by CVS in this litigation and is bates stamped CM-000250177.		X
DX31	This document was produced by Express Scripts in this litigation and is bates stamped ES_000243873.		X
DX32	This document was produced by Express Scripts in this litigation and is bates stamped ES_000245481.		X
DX33	This document was produced by United HealthCare Services, Inc. in this litigation and is bates stamped UNITED-EPI 00295415.		X
DX34	A compilation exhibit that includes excerpts from an agreement and an amendment with the following bates numbers: Prime0026051, Prime0578127.		X
DX35	This document was produced by CVS in this litigation and is bates stamped CM-000305940.		X
DX36	This is an excerpt of a document that was produced by Express Scripts in this litigation and is bates stamped ES_000243466.		X
DX37	A compilation exhibit that includes excerpts from an agreement and an amendment with the following bates numbers: Prime0057574, Prime0057899		X
DX38	A compilation exhibit that includes excerpts from an agreement and an amendment with the following bates numbers: Prime0064892, Prime0065054		X

Ex. No.	Description	Public	Sealed
DX39	This document was produced by United HealthCare Services, Inc. in this litigation and is bates stamped UNITED-EPI 00295262.		X
DX40	This document was produced by CVS in this litigation and is bates stamped CM-000247468.		X
DX41	This document was produced by Express Scripts in this litigation and is bates stamped ES 000244906.		X
DX42	This document was produced by United HealthCare Services, Inc. in this litigation and is bates stamped UNITED-EPI 00179538.		X
DX43	This document was produced by Mylan in this litigation and is bates stamped MYERISA-00178938.		X
DX44	This document was produced by CVS in this litigation and is bates stamped CM-000245553.		X
DX45	This document was produced by Express Scripts in this litigation and is bates stamped ES 000242376.		X
DX46	This document was produced by Mylan in this litigation and is bates stamped MYERISA-00070452.		X
DX47	This document was produced by OptumRx in this litigation and is bates stamped OPTUMRX-EPI 00733167.		X
DX48	This document was produced by CVS in this litigation and is bates stamped CM-000244114.		X
DX49	This document was produced by Express Scripts in this litigation and is bates stamped ES 000260039.		X
DX50	This document was produced by CVS in this litigation and is bates stamped CM-000324414.		X
DX51	This document was produced by non-party U.S. Bancorp in this litigation and is bates stamped USB 00001268.	X	

<u>Ex. No.</u>	<u>Description</u>	<u>Public</u>	<u>Sealed</u>
DX52	This document was produced by CVS in this litigation and is bates stamped CM-000324369.		X
DX53	This document was produced by CVS in this litigation and is bates stamped CM-000324474.		X
DX54	This document is a combined transcript of the two-day deposition of Stephen W. Schondelmeyer, taken January 31, 2020 and February 1, 2020		X
DX55	This document was produced by CVS in this litigation and is bates stamped CM-000233974.		X
DX56	This document was produced by Express Scripts in this litigation and is bates stamped ES_000000162.		X
DX57	This document was produced by Express Scripts in this litigation and is bates stamped ES_000192386.	X	
DX58	This document was produced by Express Scripts in this litigation and is bates stamped ES 000244339.		X
DX59	This document was produced by CVS in this litigation and is bates stamped CM-000243984.		X
DX60	This document was produced by United HealthCare Services, Inc. in this litigation and is bates stamped UNITED-EPI 00323935.		X
DX61	This document was produced by CVS in this litigation and is bates stamped CM-000246576.		X
DX62	This document was produced by Express Scripts in this litigation and is bates stamped ES_000259169.		X
DX63	This document was produced by Express Scripts in this litigation and is bates stamped ES_000264017.		X
DX64	This document was produced by Express Scripts in this litigation and is bates stamped ES_000242414.		X

<u>Ex. No.</u>	<u>Description</u>	<u>Public</u>	<u>Sealed</u>
DX65	A compilation exhibit that includes excerpts from an agreement and an agreement schedule with the following bates numbers: Prime0045151, Prime0057889		X
DX66	This document was produced by CVS in this litigation and is bates stamped CM-000249713.		X
DX67	This document was produced by Express Scripts in this litigation and is bates stamped ES 000263692.		X
DX68	This document was produced by OptumRx, Inc. in this litigation and is bates stamped OPTUMRX-EPI 00727783.		X
DX69	This document was produced by CVS in this litigation and is bates stamped CM-000244459.		X
DX70	This document was produced by United HealthCare Services, Inc. in this litigation and is bates stamped UNITED-EPI 00295346.		X
DX71	This document was produced by CVS in this litigation and is bates stamped CM-000245149.		X
DX72	This document was produced by CVS in this litigation and is bates stamped CM-000245628.		X
DX73	This document was produced by OptumRx, Inc. in this litigation and is bates stamped OPTUMRX-EPI 00731367.		X
DX74	This document was produced by CVS in this litigation and is bates stamped CM-000244782.		X
DX75	This document was produced by CVS in this litigation and is bates stamped CM-000245817.		X
DX76	This document was produced by Express Scripts in this litigation and is bates stamped ES 000246333.		X
DX77	This document was produced by CVS in this litigation and is bates stamped CM-000246791.		X

<u>Ex. No.</u>	<u>Description</u>	<u>Public</u>	<u>Sealed</u>
DX78	This document was produced by Express Scripts in this litigation and is bates stamped ES_000243263.		X
DX79	This document is a February 5, 2020 letter from Daniel Dockery, counsel for the CVS Caremark Defendants, to counsel for Plaintiffs regarding data		X
DX80	This document was produced by CVS in this litigation and is bates stamped CM-000243747.		X
DX81	This document was produced by Express Scripts in this litigation and is bates stamped ES_000246952.		X
DX82	This document is a combined transcript of the two-day deposition of Stephan M. Levy, taken January 28, 2020 and January 29, 2020		X
DX83	This document contains excerpts from the transcript of the deposition of Susan Illis, taken January 15, 2020.		X
DX84	This document was produced by Mylan in this litigation and is bates stamped MYERISA-00017268.		X
DX85	This document was produced by Mylan in this litigation and is bates stamped MYERISA-00224220.		X
DX86	This document was produced by Mylan in this litigation and is bates stamped MYERISA-00167511.		X
DX87	This document was produced by Mylan in this litigation and is bates stamped MYERISA-00219681.		X
DX88	This is an excerpt of a document that was produced by Mylan in this litigation and is bates stamped MYERISA-00087789.		X
DX89	This document was produced by Mylan in this litigation and is bates stamped MYERISA-00224136.		X
DX90	This document was produced by Mylan in this litigation and is bates stamped MYERISA-00224146.		X

<u>Ex. No.</u>	<u>Description</u>	<u>Public</u>	<u>Sealed</u>
DX91	This document was produced by Mylan in this litigation and is bates stamped MYERISA-00224219.		X
DX92	This document was produced by Mylan in this litigation and is bates stamped MYERISA-00224216.		X
DX93	This document was produced by Mylan in this litigation and is bates stamped MYERISA-00224229.		X
DX94	This document was produced by Mylan in this litigation and is bates stamped MYERISA-00224230.		X
DX95	This document was produced by Mylan in this litigation and is bates stamped MYERISA-00224233.		X
DX96	This document was produced by Mylan in this litigation and is bates stamped MYERISA-00018208.		X
DX97	This document was produced by Mylan in this litigation and is bates stamped MYERISA-00308564.		X
DX98	This document was produced by OptumRx, Inc. in this litigation and is bates stamped OPTUMRX-EPI 00674906.		X
DX99	This document was produced by OptumRx, Inc. in this litigation and is bates stamped OPTUMRX-EPI 00674934.		X
DX100	This document was produced by Mylan in this litigation and is bates stamped MYERISA-00037638.		X
DX101	This document was produced by Mylan in this litigation and is bates stamped MYERISA-00223123.		X
DX102	This document was produced by Mylan in this litigation and is bates stamped MYERISA-00027991.		X
DX103	This document was produced by Mylan in this litigation and is bates stamped MYERISA-00037647.		X

<u>Ex. No.</u>	<u>Description</u>	<u>Public</u>	<u>Sealed</u>
DX104	This document was produced by CVS in this litigation and is bates stamped CM-000233802.		X
DX105	This document was produced by Mylan in this litigation and is bates stamped MYERISA-00223176.		X
DX106	This document was produced by Mylan in this litigation and is bates stamped MYERISA-00037707.		X
DX107	This document was produced by Mylan in this litigation and is bates stamped MYERISA-00037658.		X
DX108	This document was produced by Mylan in this litigation and is bates stamped MYERISA-00037702.		X
DX109	This document was produced by Mylan in this litigation and is bates stamped MYERISA-00061891.		X
DX110	This document was produced by Mylan in this litigation and is bates stamped MYERISA-00135424.		X
DX111	This document was produced by Mylan in this litigation and is bates stamped MYERISA-00016238.		X
DX112	This document was produced by Mylan in this litigation and is bates stamped MYERISA-00290524.		X
DX113	This document was produced by Mylan in this litigation and is bates stamped MYERISA-00011205.		X
DX114	This document was produced by Mylan in this litigation and is bates stamped MYERISA-00264112.		X
DX115	This document was produced by Mylan in this litigation and is bates stamped MYERISA-00224536.		X
DX116	This document was produced by Mylan in this litigation and is bates stamped MYERISA-00224570.		X

<u>Ex. No.</u>	<u>Description</u>	<u>Public</u>	<u>Sealed</u>
DX117	This document was produced by Mylan in this litigation and is bates stamped MYERISA-00224656.		X
DX118	This document was produced by Mylan in this litigation and is bates stamped MYERISA-00018175.		X
DX119	This document was produced by OptumRx, Inc. in this litigation and is bates stamped OPTUMRX-EPI 00674950.		X
DX120	This document was produced by the Mylan in this litigation and is bates stamped MYERISA-00157152.		X
DX121	This document was produced by OptumRx, Inc. in this litigation and is bates stamped OPTUMRX-EPI 00674974.		X
DX122	This document was produced by Express Scripts in this litigation and is bates stamped ES 000021460.		X
DX123	This document was produced by Express Scripts in this litigation and is bates stamped ES 000021430.		X
DX124	This document was produced by Express Scripts in this litigation and is bates stamped ES 000029661.		X
DX125	This document was produced by Express Scripts in this litigation and is bates stamped ES 000030143.		X
DX126	This document was produced by Express Scripts in this litigation and is bates stamped ES 000021437.		X
DX127	This document was produced by Mylan in this litigation and is bates stamped MYERISA-00004096.		X
DX128	This document was produced by Express Scripts in this litigation and is bates stamped ES 000012211.		X
DX129	This document was produced by Express Scripts in this litigation and is bates stamped ES 000009611.		X

Ex. No.	Description	Public	Sealed
DX130	This document was produced by Express Scripts in this litigation and is bates stamped ES_000007721.		X
DX131	This document was produced by Prime in this litigation and is bates stamped Prime0030375.		X
DX132	This document was produced by Prime in this litigation and is bates stamped Prime0057365.		X
DX133	This document was produced by Prime in this litigation and is bates stamped Prime0466980.		X
DX134	This document was produced by Prime in this litigation and is bates stamped Prime0118763.		X
DX135	This document was produced by Prime in this litigation and is bates stamped Prime0021613.		X
DX136	This document was produced by Prime in this litigation and is bates stamped Prime0056841.		X
DX137	This document was produced by Prime in this litigation and is bates stamped Prime0014316.		X
DX138	This document was produced by Prime in this litigation and is bates stamped Prime0022147.		X
DX139	This document was produced by Prime in this litigation and is bates stamped Prime0022153.		X
DX140	This document was produced by Prime in this litigation and is bates stamped Prime0022403.		X
DX141	This document was produced by Prime in this litigation and is bates stamped Prime00009810.		X
DX142	This document was produced by Prime in this litigation and is bates stamped Prime0021517.		X

Ex. No.	Description	Public	Sealed
DX143	This document was produced by CVS in this litigation and is bates stamped CM-000218186.		X
DX144	This document was produced by CVS in this litigation and is bates stamped CVSCM EPI 000190302.		X
DX145	This document was produced by CVS in this litigation and is bates stamped CM-000202185 (excerpt)		X
DX146	This document was produced by CVS in this litigation and is bates stamped CM-000063184.		X
DX147	This document was produced by Express Scripts in this litigation and is bates stamped ES 000107594.	X	
DX148	This document was produced by Express Scripts in this litigation and is bates stamped ES 000076719.		X
DX149	This document was produced by Express Scripts in this litigation and is bates stamped ES 000078725.		X
DX150	This document was produced by Mylan in this litigation and is bates stamped MYERISA-00013873.		X
DX151	This document was produced by Mylan in this litigation and is bates stamped MYERISA-00129832.		X
DX152	This document contains excerpts from the transcript of the deposition of Kent Rogers, taken in another matter on December 19, 2019.		X
DX153	This document was produced by Prime in this litigation and is bates stamped Prime0009362.		X
DX154	This document was produced by Prime in this litigation and is bates stamped Prime0015341.		X
DX155	This document was produced by Prime in this litigation and is bates stamped Prime 0009834.		X

<u>Ex. No.</u>	<u>Description</u>	<u>Public</u>	<u>Sealed</u>
DX156	This document was produced by Mylan in this litigation and is bates stamped MYERISA-00185776.		X
DX157	This document was produced by Mylan in this litigation and is bates stamped MYERISA-00142967.		X
DX158	This document was produced by Mylan in this litigation and is bates stamped MYERISA-00215807.		X
DX159	This document was produced by Mylan in this litigation and is bates stamped MYERISA-00215248.		X
DX160	This document was produced by Mylan in this litigation and is bates stamped MYERISA-00343489.		X
DX161	This document is an email and attachment produced by Mylan in this litigation with bates numbers MYERISA-00243381 & MYERISA-00243382.		X
DX162	This document was produced by Mylan in this litigation and is bates stamped MYERISA-00100243.		X
DX163	This document was produced by Mylan in this litigation and is bates stamped MYERISA-00090252.		X
DX164	This document was produced by Mylan in this litigation and is bates stamped MYERISA-00107886.		X
DX165	This document was produced by Mylan in this litigation and is bates stamped MYERISA-00234175.		X
DX166	Intentionally omitted.		
DX167	This document was produced by Mylan in this litigation and is bates stamped MYERISA-00149101.		X
DX168	This document was produced by Mylan in this litigation and is bates stamped MYERISA-00288606.		X

<u>Ex. No.</u>	<u>Description</u>	<u>Public</u>	<u>Sealed</u>
DX169	This document was produced by Express Scripts in this litigation and is bates stamped ES_000020167.		X
DX170	This document was produced by Walgreens Boots Alliance, Inc. in this litigation and is bates stamped ES_WLGS_0000004.		X
DX171	This document contains excerpts from the transcript of the deposition of Adam Klein in his personal capacity, taken December 17, 2019		X
DX172	This document contains excerpts from the transcript of the deposition of Adam Klein in his personal capacity, taken December 18, 2019		X
DX173	This document was produced by Prime in this litigation and is bates stamped Prime0481267.		X
DX174	This document was Exhibit 1 to the December 17, 2019 deposition of Adam Klein. It was originally produced by Plaintiffs and is bates stamped PL_KLEIN_00001247.		X
DX175	This document was Exhibit 2 to the December 17, 2019 deposition of Adam Klein. It was originally produced by Plaintiffs and is bates stamped PL_KLEIN_00000789.		X
DX176	Intentionally omitted.		
DX177	This document was produced by the Plaintiffs in this litigation and is bates stamped PL_Weaver_00000191.		X
DX178	This document was produced by CVS in this litigation and is bates stamped CM-000244793.		X
DX179	This document was produced by CVS in this litigation and is bates stamped CM-000246847.		X
DX180	Intentionally omitted.		

<u>Ex. No.</u>	<u>Description</u>	<u>Public</u>	<u>Sealed</u>
DX181	This document was produced by Express Scripts in this litigation and is bates stamped ES_000246835.		X
DX182	This document was produced by Prime in this litigation and is bates stamped Prime0101144.		X
DX183	Intentionally omitted.		
DX184	This document was produced by CVS in this litigation and is bates stamped CVSCM_EPI_000200555.		X
DX185	This document was produced by OptumRx, Inc. in this litigation and is bates stamped OPTUMRX-EPI 00731306.		X
DX186	This document was produced by Express Scripts in this litigation and is bates stamped ES_000259811.		X
DX187	This document is an excerpt from a January 30, 2020 email from Deborah Sohn, counsel for Express Scripts, to counsel for Plaintiffs regarding data		X
DX188	This document was produced by Express Scripts in this litigation and is bates stamped ES_000242729.		X
DX189	This document was produced by CVS in this litigation and is bates stamped CM-000243790.		X
DX190	This document was produced by CVS in this litigation and is bates stamped CM-000249793.		X
DX191	This document was produced by CVS in this litigation and is bates stamped CM-000245849.		X
DX192	This document was produced by Express Scripts in this litigation and is bates stamped ES_000243080.		X
DX193	This document was produced by CVS in this litigation and is bates stamped CM-000244570.		X

<u>Ex. No.</u>	<u>Description</u>	<u>Public</u>	<u>Sealed</u>
DX194	This document was produced by CVS in this litigation and is bates stamped CM-000246634.		X
DX195	This document was produced by Prime in this litigation and is bates stamped Prime0611793.		X
DX196	This document was produced by Prime in this litigation and is bates stamped Prime0609726.		X
DX197	This document was produced by United HealthCare Services, Inc. in this litigation and is bates stamped UNITED-EPI 00176844.		X
DX198	This document was Exhibit 9 to the January 28, 2020 deposition of Stephan M. Levy.		X
DX199	This document is a September 4, 2019 letter from Justin Bernick, counsel for Mylan, to Jonathan Cooper, counsel for Express Scripts, regarding production of data by Mylan.		X
DX200	This is a document titled "OptumRx Rebate Data Scope and Process Summary" which was provided by OptumRx, Inc. to Plaintiffs' counsel on November 2, 2019		X
DX201	This document is a copy of OptumRx's Amended Objections and Responses to Interrogatories 3 and 5, served December 12, 2019		X
DX202	This document contains excerpts from the transcript of the deposition of F. Emil Jalonen, taken January 21, 2020		X
DX203	This document is a copy of Plaintiff F. Emil Jalonen's Answers and Objections to Express Scripts Holding Company, Express Scripts, Inc., Medco Health Solutions, Inc., CVS Health Corporation, Caremark, L.L.C., Caremark Rx, L.L.C. and CaremarkPCS Health, L.L.C.'s First Set of Interrogatories to Plaintiff F. Emil Jalonen as Representative of the Estate of Leah Weaver dated January 21, 2020.		X

<u>Ex. No.</u>	<u>Description</u>	<u>Public</u>	<u>Sealed</u>
DX204	This document was Exhibit 28 to the December 17, 2019 30(b)(6) deposition of Adam Klein. The document is bates stamped TRI00003857.		X
DX205	This document was Exhibit 9 to the December 17, 2019 30(b)(6) deposition of Adam Klein.		X
DX206	This document was Exhibit 24 to the December 17, 2019 30(b)(6) deposition of Adam Klein.		X
DX207	This document was Exhibit 25 to the December 17, 2019 deposition of Adam Klein.		X
DX208	This document was produced by Express Scripts in this litigation and is bates stamped ES_000000149.	X	